

**DEPARTMENT OF BOATING AND WATERWAYS**

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To: Boating and Waterways Commission Members  
From: Department of Boating and Waterways, Legislative Unit  
Subject: LEGISLATIVE REPORT, October 26, 2011

This report was prepared on October 12, 2011.

**ASSEMBLY BILLS**

**AB 656 (Huber) Boards and commissions: repeal.** This bill would have set a repeal date of January 1, 2014 for several boards and commissions, including the Boating and Waterways Commission. If enacted, the repeal date would have triggered review of the Commission by the Joint Legislative Sunset Review Committee.

Sponsor: Author

Status: Vetoed 10/03/2011

Position: No approved position

**AB 977 (Harkey) Harbors and ports: loans: OC Dana Point Harbor.** This bill would require the department to extend until June 30, 2016, all phases of certain loan contracts between the department and the County of Orange, OC Dana Point Harbor. The author has stated that this will be a two-year bill that won't be pursued until 2012.

Sponsor: Author

Status: Amended 03/31/2011, 2-year bill

Department Position: No approved position

**AB 1429 (Chesbro) Disaster relief: March 2011 tsunami.** This bill would have added the effects of the tsunami that occurred in Del Norte County in March 2011 to the list of events for which the state share of state eligible cost is up to 100%. The state would have assumed up to a 100% share in those cases where the Federal Emergency Management Agency or another applicable federal agency has approved the federal share of costs. This bill would have exempted Del Norte County from Government Code Section 8685.9, which requires, as a condition of funding, a local hazard mitigation plan in accordance with the federal Disaster Mitigation Act of 2000 (P.L. 106-390) as part of the safety element of its general plan.

Sponsor: Author

Status: Vetoed 10/04/2011

Position: No approved position

## **SENATE BILLS**

**SB 152 (Pavley) Public lands: general leasing law: littoral landowners.** This bill requires the State Lands Commission to charge rent (based on local conditions and local fair annual rental values) for private, individually-owned recreational piers built over state land. Leases already in effect on July 1, 2011 are not affected for the term of the lease. According to the author, approximately 1,600 piers will be affected by this bill, resulting in the eventual charge of rent for piers that are now free.

Sponsor: State Lands Commission

Status: Chaptered 10/08/2011

Department Position: No approved position

**SB 215 (Huff) Invasive aquatic species: mussels.** This bill extends the sunset date from January 1, 2012 to January 1, 2017 on existing law that generally prohibits a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, and authorizes the Director of Fish and Game or his or her designee to engage in various enforcement activities. Existing law also provides that a person who violates or resists, delays, obstructs, or interferes with the implementation of these provisions is subject to a penalty up to \$1,000. Existing law also exempts certain entities from enforcement activities, or from civil or criminal liability, as specified.

Sponsor: Association of California Water Agencies

Status: Chaptered 09/26/2011

Department Position: No approved position

**SB 551 (DeSaulnier) State property: tidelands transfer: City of Pittsburg.** This bill replaces the existing grant of tidelands and submerged lands to the City of Pittsburg. The bill requires the trust lands to be held by the city consistent with the public trust doctrine, including the protection of maritime or water dependent commerce, navigation, and fisheries, and the preservation of the lands in their natural state for scientific study, open space, wildlife habitat, and water- oriented recreation. The bill requires, beginning on June 30, 2012, that 20% of all annual gross revenues generated from the trust lands be transmitted to the State Lands Commission (SLC), of which 80% will be deposited into the General Fund and 20% into the Kapiloff Land Bank Fund. The bill requires the SLC, by January 1, 2014, to survey and record a description of the trust lands subject to the bill.

The City of Pittsburg is required to submit a trust lands use plan, and beginning September 30, 2022, a detailed statement of its trust land uses (every five years) and an annual report of trust revenues and expenditures.

Sponsor: City of Pittsburg

Status: Chaptered 10/02/2011

Department Position: No approved position

**SB 595 (Wolk) Tidelands and submerged lands: removal of vessels.** This bill creates an administrative process for the State Lands Commission (SLC) to remove and dispose of vessels and other watercraft from public lands or waterways under SLC jurisdiction. This bill provides an exemption from the State Contract Act for SLC actions pertaining to abandoned vessels.

Sponsor: State Lands Commission

Status: Chaptered 10/08/2011

Department Position: No approved position

**SB 623 (Kehoe) Vessels: marine antifouling paint.** This bill would require the Department of Pesticide Regulation, by January 1, 2014, to determine the maximum allowable leach rate for low-leach rate antifouling paints. The bill would prohibit, on and after January 1, 2015, a manufacturer, wholesaler, retailer, or distributor from selling or offering for sale in California a new recreational vessel, as defined, containing antifouling paint that contains copper. The bill also would prohibit, on and after January 1, 2019, the use or application of antifouling paint that contains copper on recreational vessels, except as provided. The bill would require the State Water Resources Control board, by January 1, 2019, and biennially thereafter, to determine whether the use of low-leach rate copper-containing antifouling paints could result in the attainment of water quality objectives in marinas and harbors for dissolved copper. The bill would, on or after January 1, 2019, prohibit the use or application of antifouling paint on recreational vessels one year after a determination by the State Water Resources Control Board that the trend line of measured water quality data does not point toward attainment of the dissolved copper water quality objectives in marinas and harbors.

This bill would require an owner or a master of a transient vessel, as defined, to submit to the manufacturer, wholesaler, retailer, distributor, boatyard, or other vessel repair facility, and to the marina or similar mooring facility at the time of service or the onset of temporary residency a transient vessel affidavit certifying under the penalty of perjury that the vessel qualifies as a transient vessel. A person who knowingly submits a false affidavit is liable for an unspecified penalty. Because a person who submits a false affidavit has committed the crime of perjury, this bill would create a new crime, thereby imposing a state-mandated local program. The bill would require a transient vessel that no longer qualifies as a

transient vessel to be hauled and to remove all antifouling paints. A person who fails to remove the antifouling paints is liable for an unspecified amount.

Sponsor: San Diego Unified Port District, San Diego Coastkeeper

Status: Amended 06/21/2011, 2-year bill

Department Position: No approved position

### **FEDERAL BILLS**

**H.R. 104 (Boustany) Realize America's Maritime Promise (RAMP) Act.** This bill would ensure that Harbor Maintenance Taxes credited to the Harbor Maintenance Trust Fund are appropriated for harbor maintenance dredging.

Sponsor: Author, 113 co-sponsors

Status: Subcommittee hearings held 07/08/2011

Department Position: No approved position

**H.R. 2887 (Mica) Surface and Air Transportation Programs Extension Act of 2011.** This bill extends through April 1, 2012, funding for several transportation programs, including the Sport Fish Restoration and Boating Trust Fund.

Sponsor: Author, 6 co-sponsors

Status: Became Public Law 112-30 on 09/16/2011